

1 **A I would provide options.**

2 MS. BARANYAI: Okay. Thank you. Sorry,
3 that's all I've got, Russ.

4 MR. RACINE: All right. Hold on one
5 moment. Actually, we'll reserve all our questions for
6 trial, so I have no questions. Shane, you're on mute.

7 MR. PERRY: Thanks, sorry.

8 **FURTHER EXAMINATION**

9 **BY MR. PERRY:**

10 Q I just have one redirect. Did Presque follow
11 your advice in this case?

12 MR. RACINE: Objection.

13 MR. PERRY: They waived privilege. I
14 don't know if that's a privilege objection or what the
15 objection is.

16 MR. RACINE: I mean, over the years, he
17 must have given a lot of advice. I think you maybe
18 need to narrow ---

19 MR. PERRY: Are you answering for him?

20 MR. RACINE: No, but you asked about my
21 objection, so.

22 Q (Mr. Perry) All right. So let me ask you
23 this: did Presque follow your advice on whether or not
24 to collect this debt?

25 **A Well, I mean, what I did is I provided the**

1 options to them where for -- that there is a colorable
2 argument that these amounts can be assessed to Mr.
3 Rose, but there is a risk with that and there could be
4 potential liability down the line. So it was less
5 about following a directive. I'll put it like this: I
6 did not provide a directive. There wasn't an option
7 there that was provided along with certain color as to
8 potential benefits and consequence of that option.

9 Q Has Presque noticed a possible malpractice
10 claim in this?

11 MR. RACINE: Objection.

12 MR. PERRY: What's the objection?

13 MR. RACINE: Well, it's not under the
14 topics of the 30(b)(6). It's outside the scope.

15 MR. PERRY: I'll ask anyway.

16 Q (Mr. Perry) Has Presque noticed BHS about a
17 possible malpractice claim dealing with these facts in
18 the suit?

19 MR. RACINE: Objection.

20 MR. PERRY: You can answer.

21 MR. RACINE: If you know.

22 **THE WITNESS: So far as I'm aware, no.**

23 MR. PERRY: All right. Thank you.

24 MR. RACINE: Everybody done?

25 MR. PERRY: Yeah, we're done.

